

Legislative Analysis



ELLIOTT-LARSEN CIVIL RIGHTS ACT: SEXUAL ORIENTATION

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House Bill 5959

Sponsor: Rep. Frank D. Foster

Committee: Commerce

Complete to 12-2-14

A SUMMARY OF HOUSE BILL 5959 AS INTRODUCED 11-13-14

The Elliott-Larsen Civil Rights Act, generally speaking, prohibits discriminatory practices, policies, and customs based upon religion, race, color, national origin, age, sex, height, weight, familial status, or marital status. House Bill 5959 would amend the act to add **sexual orientation** to those categories.

The bill defines **sexual orientation** as "having an orientation for heterosexuality, homosexuality, or bisexuality or having a history of such orientation or being identified with such an orientation."

Among other things, the bill would add this term in provisions addressing employment rights, public accommodations and public services, educational institutions, and real estate and related transactions.

Section 102 of the act currently states: *The opportunity to obtain employment, housing and other real estate, and the full and equal utilization of public accommodations, public service, and educational facilities without discrimination [because of the listed factors] is recognized and declared to be a civil right.*

The act contains some exceptions; for example, an employer can apply to the state Civil Rights Commission for an exemption on the basis that religion, national origin, age, height, weight, or sex is a bona fide occupational qualification reasonably necessary to the normal operation of the business or enterprise. There are also provisions dealing with single-sex educational institutions and religious educational institutions. The sections containing these exceptions would not be amended by the bill.

The act is enforced by the Civil Rights Commission, which investigates and acts on complaints, and by private lawsuits.

MCL 37.102 et al.

FISCAL IMPACT:

The bill would result in an increased yearly cost to the state of approximately \$260,000 and a \$45,000 one-time cost. The Department of Civil Rights estimates that adding

sexual orientation as a protected category would result in approximately 150 additional complaints per year.

Based on the average number of cases an investigator can close per year, the department estimates it would need an additional 1-2 investigators at an average cost around \$130,000 per year for salary, benefits, equipment and travel. Two investigators would result in an increase of \$260,000 to the department's yearly operating costs.

In addition, the department would need to upgrade their database that compiles, tracks and closes all complaints filed. DTMB estimates this would be a \$45,000 one-time cost.

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